

APPROVED: Meeting No. 37-92

ATTEST: 

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
Meeting No. 36-92

October 26, 1992

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland, on October 26, 1992, at 7:30 p.m.

PRESENT

Councilmember James T. Marrinan (Mayor Pro Tem)

Councilmember Rose G. Krasnow

Councilmember David Robbins

ABSENT

Mayor Douglas M. Duncan (Sick Leave)

Councilmember James F. Coyle (Business Travel)

In attendance: City Manager Bruce Romer, City Clerk Sharon Gran and City Attorney Paul Glasgow.

Upon motion of Councilmember Robbins, duly seconded and unanimously passed, Councilmember Marrinan was designated as Mayor Pro Tem for the evening's meeting.

Re: City Manager's Report

1. The Forest and Tree Preservation Ordinance and related materials are included on this evening's agenda for introduction. New requirements in state law require local governments to establish and implement local forest conservation programs. Final review of the proposed regulations by the Department of Natural Resources is pending. It is suggested that a public hearing on this ordinance be held at the appropriate time.

As to the impact on staff requirements and responsibilities if this ordinance is enacted, there will be some staff time involved but it is not anticipated at this time that there will any budget implications.

This is a lengthy document and there is one significant typographical error on page 33, the third line of paragraph (5), in which the word "compliance" should read "non-compliance."

2. Coming up this weekend is a new event, Family Fitness Weekend, sponsored by the City along with the Montgomery County Medical Society Auxiliary and the Foundation for Health Education. The weekend's activities include a Halloween Young Run on Saturday followed by the Rockville Family Fitness Fair at the Rockville Senior Center from 11:00 a.m. to 3:00 p.m. Mike Barrowman, 1992 Olympic Gold Medalist, will serve as special guest and honorary chairman of the Fair. The annual Rockville 10K Run and 3K Fun Run will take place on Sunday morning.

3. On tonight's agenda is the transmittal of the draft Economic Development Plan which represents a significant achievement for the Rockville community. This plan is highlighted on the current Cityscape cable program featuring a roundtable discussion with Robert Bender, Chairperson of the Economic Development Council, Helen Heneghan, President of the Rockville Chamber of Commerce, and Neal Herst, Director of Community Development.

Re: Recognition of Tony
Deliberti on his retirement
from Montgomery County
Public Schools

In recognition of his outstanding service to the community and his leadership in promoting the concept of community service to students of Montgomery County Public Schools, Mr. Deliberti was presented with a Key to the City of Rockville and a Certificate proclaiming him an "Ehren Burger" (honorary citizen) of the City of Rockville.

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Re: Presentation of appreciation
plaques and certificates to
the Gold, Silver and Bronze
sponsors of the Rockville
Rotary Twilight Runfest.

The Mayor and Council presented Appreciation Plaques and Certificates to the following
sponsors of the Rockville Rotary Twilight Runfest:

Gold

Rockville Printing and Graphics	Cable TV Montgomery
The Rockville Gazette	Shady Grove Adventist Hospital
Anheuser-Busch	Racquet & Jog/AVIA
Kimmel Properties	Hagan's Four Courts
Rentals Unlimited, Inc.	Chestnut Lodge Hospital
Rockville Metro Center	Maryland National Bank
General Electric	
Washington Air Compressor Rental Company	

Silver

Arrow Auto Parts	Barnett Data Systems
The Bicycle Place	Gatorade
Marriott Corporation	Read Plastics, Inc.
Montgomery Mutual Insurance	

Bronze

Giant Food	Hartman Property Management
Labcor Products, Inc.	Albert Uster Imports
Leland F. Fisher, Inc.	James G. McGrath, CPA
Meridian Nursing Home	NCSI
Rockville Paint Center	Roger and Associates
Stoy, Malone and Company	Teti and Company
Bruce and Carolyn Romer	Victoria Florist
Hans and Hannelore Waschitzki	James Rascher, M.D.
Van Grack, Axelson, Williamowsky and Jacobs	

A plaque was also presented to Dennis Owens who served as Master of Ceremonies.

Jim McGrath, past president of the Rockville Rotary Club, presented to the City a check in the amount of \$10,000 from the proceeds of the Rotary Twilight Runfest to be used for the Rockville Youth Sports Scholarship Fund. Mr. McGrath also thanked the sponsors and all those who contributed to this event.

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Councilmember Krasnow has observed many individuals wearing the t-shirts from the Runfest and has also received many compliments on the design. Staff advised that a member of the Montgomery County Roadrunners Club, Lynn Sures, designed the shirt.

Re: Citizens Forum

At this time, the Mayor Pro Tem opened the meeting to hear from any citizen who wished to address the Mayor and Council.

1. Norman Christeller, Chairman of the Board of Montgomery Housing Partnership, Inc., noted that their goal is to establish housing for citizens of Montgomery County. In this regard, they have requested a text amendment which would allow multi-family dwellings as a permitted use in the TCO-1 Zone. Their contract for the purchase of the Town Centre Inn is contingent upon a feasibility period of 30 days. Therefore, he requested the assistance of the Mayor and Council in expediting this application.

In addition to converting the existing motel structure into mixed income family housing, the 14-unit apartment building on Beall Avenue would be rehabilitated. This is a worthwhile project for all concerned.

Mr. Christeller was advised by staff that a public hearing could be held by the Mayor and Council on November 16, to be followed by introduction of an ordinance to grant the text amendment on November 23.

Mayor Pro Tem Marrinan noted that, in these difficult economic times, there is an acute need for affordable housing.

2. Robert Bender, Chairperson of the Economic Development Council, noted that the EDC was presenting the Economic Development Plan for final review by the Mayor and Council. The

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plan represents the culmination of one year's work, and he recognized the efforts of Neal Herst, Bernie Fitzgerald and other staff members. The Mayor and Council and Rockville Chamber of Commerce were also thanked for their input. Although extensive citizen input regarding this plan was sought, the EDC was disappointed with the lack of feedback. Mr. Bender suggested that a worksession be scheduled with the Mayor and Council to discuss implementation of the plan.

Other members of the Economic Development Council were present and were recognized for their efforts: Helen Hillstrom, Jim Farrell and Harriet Margolis.

Mayor Pro Tem Marrinan expressed appreciation for the efforts of those involved in producing this document.

3. Randy Slovic, Sierra Club, Montgomery County Group, thanked the City for its assistance with the tree planting which took place on October 17, adjacent to Woottons Mill Park. Sixty volunteers, including the Mayor and Councilmembers, planted 320 trees. She expressed appreciation to the Parks Department, in particular Steve Mader, Forester, for assisting in this endeavor. Ms. Slovic indicated that the Sierra Club would like to have a similar tree planting event in April.

4. Steve Elmendorf, on behalf of the Rockville Chamber of Commerce, urged the Mayor and Council to adopt Text Amendment Application T-123-92, to amend the sign regulations section of the Zoning Ordinance to allow the Sign Review Board to grant modifications for freestanding signs. Mr. Elmendorf indicated that the changes suggested by the City Attorney's Office and staff improve the original version submitted by the Chamber.

There being no other citizens wishing to be heard, the Mayor Pro Tem closed the Citizens Forum portion of the meeting.

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Re: Appointments

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, Frederick Archer was appointed to a one-year term as Chairperson of the Animal Matters Board.

Upon motion of Councilmember Robbins, duly seconded and unanimously passed, Claudia Segal was appointed to a four-year term on the Human Rights Commission.

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, Paula Strain was reappointed to a two-year term on the Recreation and Park Advisory Board.

Upon motion of Councilmember Robbins, duly seconded and unanimously passed, Ellen Watson was appointed to a one-year term as Chairperson of the Science and Technology Commission.

Councilmember Krasnow commended Ms. Watson on the excellent job she performed as Chairperson of the recently disbanded Stormwater Management Task Force and, in her continuing role with the Science and Technology Commission, she will be overseeing stormwater management issues.

Mayor Pro Tem Marrinan also expressed gratitude to Ms. Watson for her continuing efforts. He noted that the City is blessed to have so many capable volunteers.

Re: Approval of Minutes

Upon motion of Councilmember Robbins, duly seconded and unanimously passed, the minutes of Meeting No. 34-92 (October 5, 1992) were approved, as written.

Upon motion of Councilmember Robbins, duly seconded and unanimously passed, the minutes of Meeting No. 35-92 (October 19, 1992) were approved, as written.

Re: Consent Agenda

Councilmember Krasnow requested the removal of Items D, F, H and J from the

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Consent Agenda. Upon motion of Councilmember Robbins, duly seconded and unanimously passed, the following Consent Agenda Items were approved:

- A. Award of Contract per RFP No. 1-93 to Tidemark Computer Systems, Inc., for the low bid amount of \$47,180.

This contract is for automation of the City's licensing, inspections and permitting functions.

- B. Award of Request for Proposal No. 4-93 for Employee Health Insurance Benefits to George Washington University Health Care Plan, Kaiser Permanente and MD-IPA.

The initial contract period will be one year with an option to extend for up to two additional years.

- C. Award of Contract per RFP No. 43-93 to for Hewlett-Packard computer maintenance to Amtek Computer Services for the low bid amount of \$32,000.

This contract will provide repair and maintenance for the City's Hewlett-Packard computer equipment for the balance of fiscal year 1993, and fiscal years 1994 and 1995. There are sufficient monies budgeted for the FY93 portion of this procurement, in the amount of \$8,624.

- E. Receipt of September financial reports summarizing results of City operations for the period from July 1, 1992 through September 30, 1992.

- G. Introduction of Ordinance to grant Text Amendment Application T-126-92, Rockville Planning Commission, Applicant.

This application proposes to amend the Zoning Ordinance so as to delete the requirement that a dwelling must be at least three years old before an "accessory apartment" special exception application may be filed.

- I. Introduction of Resolution to adopt the Maryland Department of Natural Resources Forest Conservation Manual with a supplement containing added and modified language to address Rockville's requirements and procedures.

The Forest Conservation Manual along with the Forest and Tree Preservation Ordinance will implement essential elements of Rockville's Urban Forest Conservation Program.

- K. Proclamation No. 27-92, the full text of which can be found in Proclamation File No. 7 of the Mayor and Council, commemorating the 25th anniversary of the new church at St. Mary's in Rockville. A celebration is planned for November 1, 1992.

Re: Acceptance of Text Amendment Application No. T-131-92, Montgomery Housing Partnership, Inc., Applicant.

This application requests

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amendment to the Zoning Ordinance to allow multi-family residential uses in the TCO-1, Town Center Office-One, Zone as a permitted land use.

Councilmember Krasnow had requested the removal of this item (D) from the Consent Agenda to clarify the requested zoning change. The TCO-1 Zone is a transitional zone which serves as a buffer between the residential areas and Town Center. In the past, multi-family dwellings have not been permitted in this transitional zone; however, the Planning Commission is moving in the direction of allowing such a use. Montgomery Housing Partnership has contracted to purchase the Town Centre Inn subject to a feasibility study with a 30-day turnaround time. They intend to turn the existing motel structure into apartments to serve a mix of income levels, with income ranges beginning at \$17,000 for single persons, extending up to \$48,000 for families of four.

A public hearing will be held on this text amendment request, and Councilmember Krasnow wanted to ensure that residents were aware of MHP's plans.

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, Text Amendment Application T-131-92, Montgomery Housing Partnership, Inc., Applicant, was accepted for processing and referral to the Planning Commission for review and recommendation.

Re: Introduction of Ordinance to grant Text Amendment Application T-123-92, Rockville Chamber of Commerce, Applicant.

This application proposes to amend the sign regulation section of the Zoning Ordinance to allow the Sign Review Board to grant modifications of freestanding signs which

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contain the name, logo or trademark of more than one entity.

Councilmember Krasnow had requested the removal of this item (F) from the Consent Agenda in order to inquire as to whether the Mayor and Council will approve standards. The City Attorney responded that, rather than developing standards for modifications, the ordinance has been redrafted to make these signs a permitted activity if they conform to certain design standards.

The ordinance was duly introduced.

Re: Introduction of Ordinance to adopt a new Chapter 23.5, Forest and Tree Preservation, of the Rockville City Code.

The Forest and Tree Preservation Ordinance and the accompanying Forest Conservation Manual will implement essential elements of Rockville's Urban Forest Conservation Program.

This item (H) was removed from the Consent Agenda by Councilmember Krasnow. She indicated that this ordinance is an extensive set of rules and regulations governing the removal of trees and will be the subject of a public hearing.

With respect to replacement of trees 12 inches or more in diameter, Councilmember Robbins asked if individuals must seek permission from the City. Staff advised that the ordinance exempts individual homeowners from the mandatory submission and tree replacement requirements.

The ordinance also provides that the primary objective is to accomplish replanting or reforestation on-site. Where this is not feasible, provision is made for replacement on another site.

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Mayor Pro Tem Marrinan asked into what category the common areas in planned residential unit developments would fall. Staff responded that when the planned residential unit development is approved, a tree conservation plan would also be approved similar to other landscape plans. With respect to previously approved developments, the common areas would be treated the same as an individual homeowner's property which would be exempt from replacement.

If a tree is damaged by lightning, snow or ice, Councilmember Krasnow was advised that it would be removed as soon as possible, especially if a hazardous condition existed. In the case of a diseased or damaged tree, the City would like to be notified of the situation as soon as possible.

The ordinance was duly introduced.

Re: Introduction of Ordinance to revise and amend Ordinance No. 10-92, appropriating funds and levying taxes for FY1993.

Each fall, the Appropriation Ordinance is amended to reflect encumbrances of funds from the prior fiscal year. The total increase in the ordinance is \$364,188.

Councilmember Krasnow had requested the removal of this item (J) from the Consent Agenda to make note of the fact that additional funding (which will be fully offset by user fees) was required for the expansion of the KAT Program. As a result of the Board of Education's decision to eliminate all-day kindergarten in a number of schools, two additional KAT programs were offered at Beall and one at Ritchie Park. She commended staff for responding so quickly to the need for additional programs.

The ordinance was duly introduced.

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Re: Request of Court House Plaza Limited Partnership for an 18-month extension of payment and maturity dates for notes number one and two with respect to the Victoria Condominium development.

If this extension is granted, the partnership proposes to pay interest on the deferred installments at the rate of 7% per annum.

Joseph A. Lynott, attorney for Court House Plaza Limited Partnership and Cornelius Whalen, briefed the Mayor and Council regarding the request for an 18-month extension of the time for commencement of the quarter-annual principal payment on notes 1 and 2 and an 18-month extension of the maturity date of each note. Both notes are non-interest bearing; however, if the request for extension is granted, the deferred installments would include a 7% per year interest payment to accrue and be payable at the maturity date of each note.

Discussion followed regarding the sales activity at the Victoria. Sales activity for the condominiums has reached the 50% mark with increased activity occurring in September and October. Insofar as retail sales are concerned, the Montgomery County Employees Federal Credit Union has purchased five units and there are a number of retail units under negotiation. In response to the market, the sales prices were reduced approximately nine months ago.

In the absence of Mayor Duncan and Councilmember Coyle, Councilmember Krasnow indicated that she was reluctant to move forward at this time. It was agreed that this item would be deferred until such time as the full Mayor and Council are present.

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Re: Acceptance of the Economic Development Plan from the Economic Development Council.

This Plan outlines strategies for economic development activity in the City of Rockville.

The Economic Development Plan is the product of a great deal of work on the part of the Economic Development Council and staff. The City Manager advised that if the Mayor and Council formally accept the Plan, there would be additional opportunities for review, perhaps in the form of a worksession as suggested earlier by Mr. Bender.

Councilmember Krasnow advised that she had attended the public forum on this plan. It is very extensive and provides direction for the City in the years ahead. Although not directly related to acceptance of this plan, Councilmember Krasnow expressed concern with what is happening to businesses in Rockville today. She requested input from the Economic Development Council as to what the City can do to save businesses we already have and ideas for bringing new business to the City in the future.

At this time, Mayor Pro Tem Marrinan read comments from Councilmember Coyle who was on business travel. Councilmember Coyle is very pleased that the plan is subject to review by all segments of the City, both public and private. It provides a blueprint to protect the current economy to the extent possible and to bring new growth to the City of Rockville while at the same time protecting the integrity of our residential community.

The City Manager advised that additional opportunity for input could be allowed, and he will provide recommendations for scheduling.

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Upon motion of Councilmember Robbins, duly seconded and unanimously passed, the Economic Development Plan was accepted by the Mayor and Council.

Re: Adoption of Resolution to amend Section I of Article II, "The Mayor and Council" of the Charter of the City of Rockville so as to provide that the procedure for establishing annual stipends for the Mayor and Councilmembers shall be established by Ordinance, and to make certain technical clarifications.

This amendment would allow for the establishment of a Compensation Commission to be enacted by Ordinance.

Re: Adoption of Ordinance to establish a Compensation Commission to review the compensation of the Mayor and Council every six years and to make recommendations thereon; and to provide for the automatic adoption of the Commission's recommendation if the Mayor and Council fails to take certain action.

In view of the fact that Mayor Duncan and Councilmember Coyle were not present, Councilmember Robbins suggested that the above two items concerning the creation of a Compensation Commission be tabled. He also suggested that the Mayor and Council may wish to consider a

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worksession on this matter as he has ideas he wishes to more fully discuss. Councilmember Krasnow noted her willingness to table these items.

Upon motion of Councilmember Robbins, duly seconded and unanimously passed, the Resolution to amend Section 1 of Article II of the Charter of the City of Rockville and the Ordinance to establish a Compensation Commission were tabled.

Re: Adoption of Ordinance to grant Text Amendment Application T-125-92, Barman Enterprises, Applicant.

This application proposes to amend the Zoning Ordinance to allow commercial indoor recreational or entertainment establishments in the I-1, Service Industrial, Zone as permitted uses subject to special limitation.

Ordinance No. 14-92

Upon motion of Councilmember Robbins, duly seconded and unanimously passed, Ordinance No. 14-92, the full text of which can be found in Ordinance Book No. 17 of the Mayor and Council, was adopted to grant Text Amendment Application T-125-92, Barman Enterprises, Applicant, to amend the Zoning Ordinance to allow commercial indoor recreational or entertainment establishments in the I-1, Service Industrial, Zone as permitted uses subject to special limitation.

Re: Adoption of Ordinance to grant Text Amendment Application T-127-92, Robert R. Harris, attorney for Exxon Corporation, Applicant.

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This application proposes to amend the Zoning Ordinance to provide for the sale of convenience products at automobile filling stations.

Ordinance No. 15-92

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, Ordinance No. 15-92, the full text of which can be found in Ordinance Book No. 17 of the Mayor and Council, was adopted to grant Text Amendment Application T-127-92, Robert R. Harris, attorney for Exxon Corporation, Applicant, to amend the Zoning Ordinance to provide for the sale of convenience products at automobile filling stations.

Re: Adoption of Ordinance to grant Text Amendment Application T-129-92, Rockville Planning Commission, Applicant.

This application proposes to amend the Zoning Ordinance to increase the number of children that may be provided for in a child care home from six to eight.

Ordinance No. 16-92

Councilmember Krasnow commented that a public hearing was held on this matter and no one appeared to testify. She strongly supports this change to expand the available day care opportunities in the City. The County has similar provisions in their law.

Upon motion of Councilmember Robbins, duly seconded and unanimously passed, Ordinance No. 16-92, the full text of which can be found in Ordinance Book No. 17 of the Mayor and

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Council, was adopted to grant Text Amendment Application T-129-92, Rockville Planning Commission, Applicant, to amend the Zoning Ordinance to increase the number of children that may be provided for in a child care home from six to eight.

Re: FYI/Correspondence

Telephone Book Recycling

Councilmember Robbins noted that the next collection is scheduled for December 14, 15, 17 & 18, and asked if the books are to be placed with other recyclables.

The City Manager responded that the books should be placed at the curb with other recyclables, and Councilmember Krasnow was advised that the timing of the pick-up was based upon broad information provided by Bell Atlantic and One Book. It would not be cost-efficient to schedule a longer pick-up period.

It was requested by Councilmember Krasnow that information on the pick-up dates for phone book recycling be included with the calendar items appearing on Cable Channel 53.

Re: New Business

October is National Breast Cancer Awareness Month, and Councilmember Krasnow advised that this disease is the number one cause of death among women in Maryland. A task force was formed in the County to increase awareness of this disease through education and better information. If found before it spreads, breast cancer is more than 90% curable. Councilmember Krasnow noted that the theme of breast cancer awareness fits in well with the Family Fitness Weekend program.

Re: Next Meeting

The next meeting of the Mayor and Council will be a general session to be held on Monday, November 9.

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Re: Adjournment

Upon motion of Councilmember Robbins, duly seconded and unanimously passed, the meeting was adjourned at 8:35 p.m., to convene again in General Session on Monday, November 9, 1992, at 7:30 p.m., or at the call of the Mayor.